

Mar. 9. 2004 3:20PM

BARTONY & HARE, LLP

No. 1079 P. 1

#4 Refund reqd
3/17/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

MARY M. BENDIK)

Serial No. 10/027,879)

Filed: December 21, 2001)

Art Unit: 2178)


Examiner: CONG-LAC HUYNH)

Atty Dock No.: 99-024 CON)

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| Henry E. Bartony, Jr., Registration No 34, 772 | |
| March 9, 2004 | Dated |
| NO COVER SHEET TOTAL PAGES: 3 | |

Sir:

REQUEST FOR REFUND UNDER 37 CFR 1.26(b)

On January 6, 2004, Applicant filed a Petition for Extension of Time under 37 CFR 1.136(a) and authorized the Director to charge a three month extension fee of \$475.00 (based upon small entity status) to Deposit Account Number 02-1065. A copy of the Petition for Extension of Time under 37 CFR 1.136(a) filed on January 6, 2004 is enclosed herewith.

Mary M. Bendik
Serial No.: 10/027,879

On January 9, 2004, Account Number 02-1065 was incorrectly charged an extension fee of \$950.00, which corresponds to non-small-entity status.

To the contrary, Applicant claimed small entity status in this case in the Application Transmittal as filed on December 21, 2001. Indeed, the Filing receipt mailed by the USPTO on January 11, 2002, correctly indicates small entity status. Moreover, the Petition for Extension of Time under 37 CFR 1.136(a) filed on January 6, 2004 indicates the small entity status of Applicant.

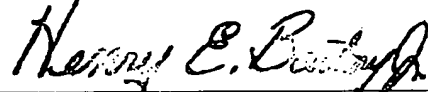
Applicant hereby requests a refund of \$475.00 (one half of the three month extension fee) under 37 C.F.R. Sections 1.26(b).

Please credit Deposit Account 02-1065 for the excess fee paid.

Respectfully submitted,

MARY M. BENDIK

By



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